United Nations A/C.6/69/L.1

General Assembly

Distr.: Limited
23 September 2014

Original: English

Sixty-ninth session
Sixth Committee

Organization of work

Note by the Secretariat

1. In order to assist the Sixth Committee in the organization of its work, the Secretariat considers it appropriate, in the light of General Assembly resolutions 1898 (XVIII) of 11 November 1963 and 32/71 of 9 December 1977 and of rule 99 (b) of the rules of procedure of the General Assembly, to draw the attention of the Sixth Committee to the information below.

Items allocated to the Sixth Committee

2. At its 2nd plenary meeting, on 19 September 2014, the General Assembly allocated 21 items to the Sixth Committee. The list of those items, organized under headings corresponding to the priorities of the Organization, is contained in a letter dated 19 September 2014 from the President of the General Assembly to the Chair of the Sixth Committee, which has been circulated as a document of the Committee (A/C.6/69/1).

Documentation relating to the items allocated to the Sixth Committee

3. The table below lists the documents of the sixty-ninth session of the General Assembly relating to the items allocated to the Sixth Committee. It includes references to the reports of commissions or committees and the reports that are to be submitted by the Secretary-General pursuant to resolutions or decisions of the Assembly at preceding sessions, as well as to documents circulated under the agenda items allocated to the Sixth Committee,[1] in accordance with requests of Member States.

[1] The figure in brackets after the title of each item indicates its number on the agenda of the sixty-ninth session. The list of documents is based on information available as at 22 September 2014.

Please recycle

	Projected date of issuance
Election of the officers of the Main Committees [5]	No advance documentation
Criminal accountability of United Nations officials and experts on mission [75]	
Report of the Secretary-General (A/69/210)	Issued
Report of the United Nations Commission on International Trade Law on the work of its forty-seventh session [76]	
Report of the Commission (A/69/17)	Issued
United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law [77]	
Report of the Secretary-General (A/69/__)	Mid-October
Report of the International Law Commission on the work of its sixty-sixth session [78]	
Report of the Commission (A/69/10)	Issued
Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts [79]	
Report of the Secretary-General (A/69/184)	Issued
Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives [80]	
Report of the Secretary-General (A/69/185)	Issued
Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization [81]	
Report of the Special Committee (A/69/33)	Issued
Report of the Secretary-General on the Repertory of Practice of United Nations Organs and Repertoire of the Practice of the Security Council (A/69/159)	Issued
Report of the Secretary-General on the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions (A/69/119)	Issued

	Projected date of issuance
The rule of law at the national and international levels [82]	
Report of the Secretary-General on strengthening and coordinating United Nations rule of law activities (A/69/181)	Issued
Report of the Secretary-General on strengthening and coordinating United Nations rule of law activities (A/68/213/Add.1)	Issued
The scope and application of the principle of universal jurisdiction [83]	
Report of the Secretary-General (A/69/174)	Issued
Effects of armed conflicts on treaties [84]	No advance documentation
Responsibility of international organizations [85]	No advance documentation
Measures to eliminate international terrorism [107]	
Report of the Secretary-General (A/69/209)	Issued
Revitalization of the work of the General Assembly [118]	
(adoption of a provisional programme of work for the seventieth session) (resolution 58/316)	No advance documentation
Programme planning [133]	
General Assembly resolutions 58/269, 62/224, 63/247, 64/229, 65/244, 66/8, 66/294 and 67/236	Issued
Administration of justice at the United Nations [144]	
Report of the Secretary-General (A/69/227)	Early October
Report of the Secretary-General on the activities of the Office of the United Nations Ombudsman and Mediation Services (A/69/126)	Early October
Report of the Internal Justice Council (A/69/205)	Late September
Report of the Committee on Relations with the Host Country [168]	
Report of the Committee (A/69/26)	Early November
Observer status for the Cooperation Council of Turkic-speaking States in the General Assembly [169]	
Letter dated 2 May 2011 from the Permanent Representatives of Azerbaijan, Kazakhstan, Kyrgyzstan and Turkey to the United Nations addressed to the Secretary-General (A/66/141) (see decision 68/528)	Issued

	Projected date of issuance
Observer status for the International Chamber of Commerce in the General Assembly [170]	
Letter dated 10 August 2012 from the Permanent Representative of France to the United Nations addressed to the Secretary-General (A/67/191) (see decision 68/530)	Issued
Observer status for the Developing Eight Countries Organization for Economic Cooperation in the General Assembly [171]	
Letter dated 13 March 2014 from the Permanent Representative of Pakistan to the United Nations addressed to the Secretary-General (A/69/142)	Issued
Observer status for the Pacific Community in the General Assembly [172]	
Letter dated 25 March 2014 from the Permanent Representative of Fiji to the United Nations addressed to the Secretary-General (A/69/143)	Issued

Date for concluding the work of the Committee, order and approximate dates of consideration of items

4. Rule 99 (b) of the rules of procedure of the General Assembly provides that:

> Each Main Committee, taking into account the closing date for the session fixed by the General Assembly on the recommendation of the General Committee, shall adopt its own priorities and meet as may be necessary to complete the consideration of the items referred to it. It shall at the beginning of the session adopt a programme of work indicating, if possible, a target date for the conclusion of its work, the approximate dates of consideration of items and the number of meetings to be allocated to each item.

5. Pursuant to General Assembly resolution 58/316, on further measures for the revitalization of the work of the General Assembly, upon the recommendation of the Sixth Committee, the Assembly, at its 68th plenary meeting, on 16 December 2013, adopted decision 68/526 containing the provisional programme of work of the Sixth Committee for the sixty-ninth session of the Assembly. The Bureau of the Sixth Committee has considered the provisional programme of work in the light of the allocation of new items to the Committee by the Assembly.

6. The General Assembly, at its 2nd plenary meeting, on 19 September 2014, upon the recommendation of the General Committee (A/69/250, para. 15), fixed the target date of 14 November 2014 for the completion of the work of the Sixth Committee, which has also been taken into consideration in the preparation of the following work programme:

	Approximate dates of consideration
Sixth Committee (organization of work)	7 October
Measures to eliminate international terrorism [107]	7 and 8 October
The rule of law at the national and international levels [82]	9 and 10 October
Report of the United Nations Commission on International Trade Law on the work of its forty-seventh session [76]	13 October
Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization [81]	14 October
Observer status for the Cooperation Council of Turkic-speaking States in the General Assembly [169]	14 October
Observer status for the International Chamber of Commerce in the General Assembly [170]	14 October
Observer status for the Developing Eight Countries Organization for Economic Cooperation in the General Assembly [171]	14 October
Observer status for the Pacific Community in the General Assembly [172]	14 October
The scope and application of the principle of universal jurisdiction [83]	15 and 16 October
United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law [77]	17 October
Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts [79]	20 October
Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives [80]	20 October
Administration of justice at the United Nations [144]	21 October
Criminal accountability of United Nations officials and experts on mission [75]	22 October
Effects of armed conflicts on treaties [84]	23 October
Responsibility of international organizations [85]	23 October
Report of the International Law Commission on the work of its sixty-sixth session [78]	27 October-5 November
Report of the Committee on Relations with the Host Country [168]	14 November
Revitalization of the work of the General Assembly [118]	14 November
Programme planning [133]	14 November

	Approximate dates of consideration
Election of the officers of the Main Committees [5]	14 November
In reserve	10, 13, 16, 20 and 22 October and 6 November

Establishment of working groups and holding of consultations

7. Regarding agenda item 83, entitled "The scope and application of the principle of universal jurisdiction", the General Assembly, by its resolution 68/117, decided that the Sixth Committee should continue its consideration of the item, without prejudice to the consideration of the topic and related issues in other forums of the United Nations, and for that purpose decided to establish, at its sixty-ninth session, a working group of the Sixth Committee to continue to undertake a thorough discussion of the scope and application of universal jurisdiction. In that regard, three meetings, on 16, 17 and 23 October, have been suggested for that purpose.

8. Concerning agenda item 107, entitled "Measures to eliminate international terrorism", the General Assembly, by its resolution 68/119, decided, taking into account the recommendation of the Ad Hoc Committee that more time was required to achieve substantive progress on the outstanding issues, to recommend that the Sixth Committee, at the sixty-ninth session of the Assembly, establish a working group with a view to finalizing the process on the draft comprehensive convention on international terrorism as well as discussions on the item included in its agenda by Assembly resolution 54/110 concerning the question of convening a high-level conference under the auspices of the United Nations. In that light, three meetings, on 24 October and 4 and 5 November, have been suggested for that purpose.

9. In view of the limited conference services available to the Sixth Committee (see para. 12 below), any meetings for the working groups or for informal consultations will have to be accommodated within the overall meetings allocated to the Committee.

Deadline for the submission of draft resolutions with financial implications

10. According to rule 153 of the rules of procedure of the General Assembly, "no resolution involving expenditure shall be recommended by a committee for approval by the General Assembly unless it is accompanied by an estimate of expenditures prepared by the Secretary-General". It is therefore imperative that the Sixth Committee allow sufficient time for the preparation of estimates of expenditure by the Secretariat and for their consideration by the Advisory Committee on Administrative and Budgetary Questions and the Fifth Committee. Since 14 November has been fixed as the concluding date for the work of the Sixth Committee (see para. 6 above), 31 October would have to be considered the mandatory deadline for submission to the Fifth Committee of draft resolutions with financial implications, except for draft resolutions concerning items to be considered after that date. When submitting such proposals, delegations may also wish to bear in mind that, in most cases, a period of more than 48 hours is required for the Secretary-General to review the programme budget implications of proposals.

Conference resources available

11. The available conference facilities will, in principle, enable the Committee to hold no more than 10 plenary meetings per week. Morning meetings will be held from 10 a.m. to 1 p.m. and afternoon meetings from 3 p.m. to 6 p.m.

12. In order to avoid difficulties in the organization of services for the meetings of regional groups of the Committee, it is suggested that all requests for such meetings be channelled to the Meetings Management Section of the Department for General Assembly and Conference Management through the Secretary of the Committee.

United Nations A/C.6/69/L.2

General Assembly

Distr.: Limited
7 October 2014

Original: English

Sixty-ninth session
Sixth Committee
Agenda item 171
Observer status for the Developing Eight Countries Organization for Economic Cooperation in the General Assembly

Bangladesh, Egypt, Indonesia, Iran (Islamic Republic of), Malaysia, Pakistan and Turkey: draft resolution

Observer status for the Developing Eight Countries Organization for Economic Cooperation in the General Assembly

The General Assembly,

Wishing to promote cooperation between the United Nations and the Developing Eight Countries Organization for Economic Cooperation,

1. *Decides* to invite the Developing Eight Countries Organization for Economic Cooperation to participate in the sessions and the work of the General Assembly in the capacity of observer;

2. *Requests* the Secretary-General to take the action necessary to implement the present resolution.

14-62188 (E) 081014

Please recycle

United Nations A/C.6/69/L.3

General Assembly

Distr.: Limited
7 October 2014

Original: English

Sixty-ninth session
Sixth Committee
Agenda item 172
Observer status for the Pacific Community in the General Assembly

Fiji, France, Kiribati, Papua New Guinea, Solomon Islands, Tonga, Tuvalu and Vanuatu: draft resolution

Observer status for the Pacific Community in the General Assembly

The General Assembly,

Wishing to promote cooperation between the United Nations and the Pacific Community,

1. *Decides* to invite the Pacific Community to participate in the sessions and the work of the General Assembly in the capacity of observer;

2. *Requests* the Secretary-General to take the action necessary to implement the present resolution.

14-62189 (E) 081014

Please recycle

United Nations A/C.6/69/L.4

General Assembly

Distr.: Limited
8 October 2014

Original: English

Sixty-ninth session
Sixth Committee
Agenda item 169
Observer status for the Cooperation Council of Turkic-speaking States in the General Assembly

Azerbaijan, Kazakhstan, Kyrgyzstan and Turkey: draft resolution

Observer status for the Cooperation Council of Turkic-speaking States in the General Assembly

The General Assembly,

Wishing to promote cooperation between the United Nations and the Cooperation Council of Turkic-speaking States,

1. *Decides* to invite the Cooperation Council of Turkic-speaking States to participate in the sessions and the work of the General Assembly in the capacity of observer;

2. *Requests* the Secretary-General to take the action necessary to implement the present resolution.

14-62272 (E) 091014

Please recycle

United Nations A/C.6/69/L.5

General Assembly

Distr.: Limited
21 October 2014

Original: English

Sixty-ninth session
Sixth Committee
Agenda item 76
Report of the United Nations Commission on International Trade Law on the work of its forty-seventh session

Argentina, Armenia, Australia, Austria, Belarus, Belgium, Bulgaria, Chile, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Guatemala, Hungary, India, Ireland, Israel, Italy, Japan, Liechtenstein, Lithuania, Luxembourg, Netherlands, Nigeria, Philippines, Portugal, Republic of Korea, Romania, Russian Federation, Serbia, Singapore, Slovakia, Slovenia, Spain, Switzerland, Thailand, Trinidad and Tobago, Turkey, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Report of the United Nations Commission on International Trade Law on the work of its forty-seventh session

The General Assembly,

Recalling its resolution 2205 (XXI) of 17 December 1966, by which it established the United Nations Commission on International Trade Law with a mandate to further the progressive harmonization and unification of the law of international trade and in that respect to bear in mind the interests of all peoples, in particular those of developing countries, in the extensive development of international trade,

Reaffirming its belief that the progressive modernization and harmonization of international trade law, in reducing or removing legal obstacles to the flow of international trade, especially those affecting developing countries, would contribute significantly to universal economic cooperation among all States on a basis of equality, equity, common interest and respect for the rule of law, to the elimination of discrimination in international trade and, thereby, to peace, stability and the well-being of all peoples,

Having considered the report of the Commission,[1]

[1] *Official Records of the General Assembly, Sixty-ninth Session, Supplement No. 17* (A/69/17).

Reiterating its concern that activities undertaken by other bodies in the field of international trade law without adequate coordination with the Commission might lead to undesirable duplication of efforts and would not be in keeping with the aim of promoting efficiency, consistency and coherence in the unification and harmonization of international trade law,

Reaffirming the mandate of the Commission, as the core legal body within the United Nations system in the field of international trade law, to coordinate legal activities in this field, in particular to avoid duplication of efforts, including among organizations formulating rules of international trade, and to promote efficiency, consistency and coherence in the modernization and harmonization of international trade law, and to continue, through its secretariat, to maintain close cooperation with other international organs and organizations, including regional organizations, active in the field of international trade law,

1. *Takes note with appreciation* of the report of the United Nations Commission on International Trade Law;[1]

2. *Commends* the Commission for the finalization of the draft convention on transparency in treaty-based investor-State arbitration;[2]

3. *Notes with appreciation* that the secretariat of the Commission has taken steps to establish and operate the repository of published information under the Rules on Transparency in Treaty-based Investor-State Arbitration ("transparency repository"), in accordance with article 8 of the Rules on Transparency, as a pilot project temporarily funded by voluntary contributions,[3] and in this regard requests the Secretary-General to keep the General Assembly informed of developments regarding the funding and budgetary situation of the transparency repository;

4. *Takes note with interest* of the decisions taken by the Commission as regards its future work and the progress made by the Commission in its work in the areas of arbitration and conciliation, online dispute resolution, electronic commerce, insolvency law, security interests and international trade law aimed at reducing the legal obstacles faced by micro-, small- and medium-sized enterprises throughout their life cycle, endorses the Commission's decision to compile information on cloud computing, identity management, the use of mobile devices in electronic commerce and single window facilities, including by organizing, co-organizing or participating in colloquiums, workshops and other meetings within available resources,[4] also endorses the Commission's decision to hold a colloquium and other events in 2015 to celebrate the thirty-fifth anniversary of the United Nations Convention on Contracts for the International Sale of Goods within available resources,[5] and commends the efforts undertaken by the Commission to improve the management of its resources while maintaining and increasing its current levels of activity, including through avoiding overlap of work and the use of informal working methods where appropriate, with due regard to the formal negotiation process;[6]

---

[2] Ibid., chap. III and annex I.

[3] Ibid., para. 109.

[4] Ibid., para. 150.

[5] Ibid., para. 255.

[6] Ibid., chaps. III-V, VII, VIII and XV.

5. *Notes with appreciation* the projects of the Commission aimed at promoting the uniform and effective application of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (the New York Convention), done at New York on 10 June 1958,[7] including the preparation of a guide entitled "UNCITRAL Secretariat Guide on the New York Convention", in close cooperation with international experts;[8]

6. *Endorses* the efforts and initiatives of the Commission, as the core legal body within the United Nations system in the field of international trade law, aimed at increasing coordination of and cooperation on legal activities of international and regional organizations active in the field of international trade law and at promoting the rule of law at the national and international levels in this field, and in this regard appeals to relevant international and regional organizations to coordinate their legal activities with those of the Commission, to avoid duplication of efforts and to promote efficiency, consistency and coherence in the modernization and harmonization of international trade law;

7. *Reaffirms* the importance, in particular for developing countries, of the work of the Commission concerned with technical cooperation and assistance in the field of international trade law reform and development, and in this connection:

(a) Welcomes the initiatives of the Commission towards expanding, through its secretariat, its technical cooperation and assistance programme, and in that respect encourages the Secretary-General to seek partnerships with State and non-State actors to increase awareness about the work of the Commission and facilitate the effective implementation of legal standards resulting from its work;

(b) Expresses its appreciation to the Commission for carrying out technical cooperation and assistance activities and for providing assistance with legislative drafting in the field of international trade law, and draws the attention of the Secretary-General to the limited resources that are made available in this field;

(c) Expresses its appreciation to the Governments whose contributions enabled the technical cooperation and assistance activities to take place, and appeals to Governments, the relevant bodies of the United Nations system, organizations, institutions and individuals to make voluntary contributions to the United Nations Commission on International Trade Law Trust Fund for Symposia and, where appropriate, for the financing of special projects and otherwise to assist the secretariat of the Commission in carrying out technical cooperation and assistance activities, in particular in developing countries;

(d) Reiterates its appeal to the United Nations Development Programme and other bodies responsible for development assistance, such as the World Bank and regional development banks, as well as to Governments in their bilateral aid programmes, to support the technical cooperation and assistance programme of the Commission and to cooperate with the Commission and coordinate their activities with those of the Commission in the light of the relevance and importance of the work and programmes of the Commission for the promotion of the rule of law at the national and international levels and for the implementation of the international

[7] United Nations, *Treaty Series*, vol. 330, No. 4739.

[8] *Official Records of the General Assembly, Sixty-ninth Session, Supplement No. 17* (A/69/17), para. 117. See also *Official Records of the General Assembly, Sixty-eighth Session, Supplement No. 17* (A/68/17), chap. III, sect. E.

development agenda, including the achievement of the Millennium Development Goals and the preparation of sustainable development goals;

8. *Recalls* the importance of adherence to the rules of procedure and methods of work of the Commission, including transparent and inclusive deliberations, taking into account the summary of conclusions as reproduced in annex III to the report on the work of its forty-third session,[9] requests the Secretariat to issue, prior to meetings of the Commission and of its working groups, a reminder of those rules of procedure and methods of work with a view to ensuring the high quality of the work of the Commission and encouraging the assessment of its instruments, and in this regard recalls its previous resolutions related to this matter;

9. *Welcomes* the activities of the United Nations Commission on International Trade Law Regional Centre for Asia and the Pacific, in the Republic of Korea, towards reaching out and providing technical assistance with international trade law reforms to developing countries in the region, notes with satisfaction expressions of interest from other States in hosting regional centres of the Commission, and requests the Secretary-General to keep the General Assembly informed of developments regarding the establishment of regional centres, in particular their funding and budgetary situation;[10]

10. *Appeals* to Governments, the relevant bodies of the United Nations system, organizations, institutions and individuals to make voluntary contributions to the Trust Fund established to provide travel assistance to developing countries that are members of the Commission, at their request and in consultation with the Secretary-General, in order to enable renewal of the provision of that assistance and to increase expert representation from developing countries at sessions of the Commission and its working groups, necessary to build local expertise and capacities in those countries to put in place a regulatory and enabling environment for business, trade and investment;

11. *Decides*, in order to ensure full participation of all Member States in the sessions of the Commission and its working groups, to continue, in the competent Main Committee during the sixty-ninth session of the General Assembly, its consideration of granting travel assistance to the least developed countries that are members of the Commission, at their request and in consultation with the Secretary-General;

12. *Endorses* the conviction of the Commission that the implementation and effective use of modern private law standards in international trade are essential for advancing good governance, sustained economic development and the eradication of poverty and hunger and that the promotion of the rule of law in commercial relations should be an integral part of the broader agenda of the United Nations to promote the rule of law at the national and international levels, including through the Rule of Law Coordination and Resource Group, supported by the Rule of Law Unit in the Executive Office of the Secretary-General;

13. *Notes* the rule of law briefing and the rule of law panel discussion held at the forty-seventh session of the Commission and the comments transmitted by the Commission highlighting its role in promoting the rule of law, in particular through

---

[9] Ibid., *Sixty-fifth Session, Supplement No. 17* (A/65/17).

[10] Ibid., *Sixty-eighth Session, Supplement No. 17* (A/68/17), chap. XIII.

facilitating access to justice, pursuant to paragraph 14 of General Assembly resolution 68/116;[11]

14. *Notes with satisfaction* that, in paragraph 8 of the declaration of the high-level meeting of the General Assembly on the rule of law at the national and international levels, adopted by consensus as resolution 67/1 of 24 September 2012, Member States recognized the importance of fair, stable and predictable legal frameworks for generating inclusive, sustainable and equitable development, economic growth and employment, generating investment and facilitating entrepreneurship and, in this regard, commended the work of the Commission in modernizing and harmonizing international trade law and that, in paragraph 7 of the declaration, Member States expressed their conviction that the rule of law and development were strongly interrelated and mutually reinforcing;

15. *Reiterates its request* to the Secretary-General, in conformity with resolutions of the General Assembly on documentation-related matters,[12] which, in particular, emphasize that any invitation to limit, where appropriate, the length of documents should not adversely affect either the quality of the presentation or the substance of the documents, to bear in mind the particular characteristics of the mandate and functions of the Commission in the progressive development and codification of international trade law when implementing page limits with respect to the documentation of the Commission;[13]

16. *Requests* the Secretary-General to continue the publication of Commission standards and the provision of summary records of the meetings of the Commission, including committees of the whole established by the Commission for the duration of its annual session, relating to the formulation of normative texts, and takes note of the Commission's decision to continue the trial use of digital recordings, in parallel with summary records where applicable, with a view to assessing the experience of using digital recordings and, on the basis of that assessment, taking a decision at a future session regarding the possible replacement of summary records by digital recordings;[14]

17. *Recalls* paragraph 48 of its resolution 66/246 of 24 December 2011 regarding the rotation scheme of meetings between Vienna and New York;

18. *Notes with appreciation* the work of the Secretariat on the system for the collection and dissemination of case law on Commission texts in the six official languages of the United Nations (the CLOUT system), notes the resource-intensive nature of the system, acknowledges the need for further resources to sustain and expand it, and in this regard welcomes efforts by the Secretariat towards building partnerships with interested institutions, and appeals to Governments, the relevant bodies of the United Nations system, organizations, institutions and individuals to assist the secretariat of the Commission in raising awareness as to the availability and usefulness of the CLOUT system in professional, academic and judiciary circles and in securing the funding required for the coordination and expansion of the

[11] Ibid., chap. XIV.

[12] Resolutions 52/214, sect. B, 57/283 B, sect. III, and 58/250, sect. III.

[13] Resolutions 59/39, para. 9, and 65/21, para. 18; see also *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 17* (A/59/17), paras. 124-128.

[14] *Official Records of the General Assembly, Sixty-ninth Session, Supplement No. 17* (A/69/17), para. 276.

system and the establishment, within the secretariat of the Commission, of a pillar focused on the promotion of ways and means of interpreting Commission texts in a uniform manner;

19. *Stresses* the importance of promoting the use of texts emanating from the work of the Commission for the global unification and harmonization of international trade law, and to this end urges States that have not yet done so to consider signing, ratifying or acceding to conventions, enacting model laws and encouraging the use of other relevant texts;

20. *Welcomes* the continued work of the Secretariat on digests of case law related to Commission texts, including their wide dissemination, as well as the continuing increase in the number of abstracts available through the CLOUT system, in view of the role of the digests and the CLOUT system as important tools for the promotion of the uniform interpretation of international trade law, in particular by building local capacity of judges, arbitrators and other legal practitioners to interpret those standards in the light of their international character and the need to promote uniformity in their application and the observance of good faith in international trade;

21. *Recalls* its resolutions affirming the importance of high-quality, user-friendly and cost-effective United Nations websites and the need for their multilingual development, maintenance and enrichment,[15] commends the website of the Commission in the six official languages of the United Nations, and welcomes the continuous efforts of the Commission to maintain and improve its website, including by developing new social media features, in accordance with the applicable guidelines.[16]

---

[15] Resolutions 52/214, sect. C, para. 3; 55/222, sect. III, para. 12; 56/64 B, sect. X; 57/130 B, sect. X; 58/101 B, sect. V, paras. 61-76; 59/126 B, sect. V, paras. 76-95; 60/109 B, sect. IV, paras. 66-80; and 61/121 B, sect. IV, paras. 65-77.

[16] Resolution 63/120, para. 20.

United Nations A/C.6/69/L.6

General Assembly

Distr.: Limited
22 October 2014

Original: English

Sixty-ninth session
Sixth Committee
Agenda item 76
Report of the United Nations Commission on International Trade Law on the work of its forty-seventh session

Draft resolution

United Nations Convention on Transparency in Treaty-based Investor-State Arbitration

The General Assembly,

Recalling its resolution 2205 (XXI) of 17 December 1966, by which it established the United Nations Commission on International Trade Law with a mandate to further the progressive harmonization and unification of the law of international trade in the interests of all peoples, in particular those of developing countries, in the extensive development of international trade,

Also recalling its resolution 68/109 of 16 December 2013, in which it recommended the use of the United Nations Commission on International Trade Law Rules on Transparency in Treaty-based Investor-State Arbitration[1] and Arbitration Rules (as revised in 2010, with new article 1, paragraph 4, as adopted in 2013),[2]

Recognizing the need for provisions on transparency in the settlement of treaty-based investor-State disputes to take account of the public interest involved in such arbitrations,

Believing that the Rules on Transparency contribute significantly to the establishment of a harmonized legal framework for a fair and efficient settlement of international investment disputes, increase transparency and accountability and promote good governance,

Recalling that, at its forty-sixth session, in 2013, the Commission recommended that the Rules on Transparency be applied through appropriate mechanisms to investor-State arbitration initiated pursuant to investment treaties concluded before the coming into effect of the Rules on Transparency, to the extent that such application is consistent with those investment treaties, and that the Commission

[1] *Official Records of the General Assembly, Sixty-eighth Session, Supplement No. 17* (A/68/17), chap. III and annex I.

[2] Ibid., chap. III and annex II.

Please recycle

decided to prepare a convention that was intended to give those States that wished to make the Rules on Transparency applicable to their existing investment treaties concluded before 1 April 2014 an efficient mechanism to do so, without creating any expectation that other States would use the mechanism offered by the convention,[3]

Acknowledging that the Rules on Transparency might be made applicable to investor-State arbitration initiated pursuant to investment treaties concluded before 1 April 2014, the date of coming into effect of the Rules on Transparency, by means other than a convention,

Recognizing that all States and interested international organizations were invited to participate in the preparation of the draft convention either as members or as observers during the forty-seventh session of the Commission, with full opportunity to speak and make proposals,

Noting that the preparation of the draft convention was the subject of due deliberation in the Commission and that the draft convention benefited from consultations with Governments and interested intergovernmental and international non-governmental organizations,

Noting with satisfaction that the text of the draft convention was circulated for comment to all States Members of the United Nations and intergovernmental organizations invited to attend the meetings of the Commission as observers, and that the comments received were before the Commission at its forty-seventh session,[4]

Taking note with satisfaction of the decision of the Commission at its forty-seventh session to submit the draft convention to the General Assembly for its consideration,[5]

Taking note of the draft convention approved by the Commission,[6]

Expressing its appreciation to the Government of Mauritius for its offer to host a signing ceremony for the Convention in Port Louis,

1. *Commends* the United Nations Commission on International Trade Law for preparing the draft convention on transparency in treaty-based investor-State arbitration;

2. *Adopts* the United Nations Convention on Transparency in Treaty-based Investor-State Arbitration, contained in the annex to the present resolution;

3. *Authorizes* a ceremony for the opening for signature of the Convention to be held in Port Louis on 17 March 2015, and recommends that the Convention be known as the "Mauritius Convention on Transparency";

4. *Calls upon* those Governments and regional economic integration organizations that wish to make the Rules on Transparency applicable to arbitrations under their existing investment treaties to consider becoming a party to the Convention.

---

[3] Ibid., para. 127.

[4] See A/CN.9/813 and Add.1.

[5] *Official Records of the General Assembly, Sixty-ninth Session, Supplement No. 17* (A/69/17), para. 106.

[6] Ibid., annex I.

Annex

United Nations Convention on Transparency in Treaty-based Investor-State Arbitration

Preamble

The Parties to this Convention,

Recognizing the value of arbitration as a method of settling disputes that may arise in the context of international relations, and the extensive and wide-ranging use of arbitration for the settlement of investor-State disputes,

Also recognizing the need for provisions on transparency in the settlement of treaty-based investor-State disputes to take account of the public interest involved in such arbitrations,

Believing that the Rules on Transparency in Treaty-based Investor-State Arbitration adopted by the United Nations Commission on International Trade Law on 11 July 2013 ("UNCITRAL Rules on Transparency"), effective as of 1 April 2014, would contribute significantly to the establishment of a harmonized legal framework for a fair and efficient settlement of international investment disputes,

Noting the great number of treaties providing for the protection of investments or investors already in force, and the practical importance of promoting the application of the UNCITRAL Rules on Transparency to arbitration under those already concluded investment treaties,

Noting also article 1(2) and (9) of the UNCITRAL Rules on Transparency,

Have agreed as follows:

Scope of application

Article 1

1. This Convention applies to arbitration between an investor and a State or a regional economic integration organization conducted on the basis of an investment treaty concluded before 1 April 2014 ("investor-State arbitration").

2. The term "investment treaty" means any bilateral or multilateral treaty, including any treaty commonly referred to as a free trade agreement, economic integration agreement, trade and investment framework or cooperation agreement, or bilateral investment treaty, which contains provisions on the protection of investments or investors and a right for investors to resort to arbitration against contracting parties to that investment treaty.

Application of the UNCITRAL Rules on Transparency

Article 2

Bilateral or multilateral application

1. The UNCITRAL Rules on Transparency shall apply to any investor-State arbitration, whether or not initiated under the UNCITRAL Arbitration Rules, in which the respondent is a Party that has not made a relevant reservation under article 3(1)(a) or (b), and the claimant is of a State that is a Party that has not made a relevant reservation under article 3(1)(a).

Unilateral offer of application

2. Where the UNCITRAL Rules on Transparency do not apply pursuant to paragraph 1, the UNCITRAL Rules on Transparency shall apply to an investor-State arbitration, whether or not initiated under the UNCITRAL Arbitration Rules, in which the respondent is a Party that has not made a reservation relevant to that investor-State arbitration under article 3(1), and the claimant agrees to the application of the UNCITRAL Rules on Transparency.

Applicable version of the UNCITRAL Rules on Transparency

3. Where the UNCITRAL Rules on Transparency apply pursuant to paragraph 1 or 2, the most recent version of those Rules as to which the respondent has not made a reservation pursuant to article 3(2) shall apply.

Article 1(7) of the UNCITRAL Rules on Transparency

4. The final sentence of article 1(7) of the UNCITRAL Rules on Transparency shall not apply to investor-State arbitrations under paragraph 1.

Most favoured nation provision in an investment treaty

5. The Parties to this Convention agree that a claimant may not invoke a most favoured nation provision to seek to apply, or avoid the application of, the UNCITRAL Rules on Transparency under this Convention.

Reservations

Article 3

1. A Party may declare that:

(a) It shall not apply this Convention to investor-State arbitration under a specific investment treaty, identified by title and name of the contracting parties to that investment treaty;

(b) Article 2(1) and (2) shall not apply to investor-State arbitration conducted using a specific set of arbitration rules or procedures other than the UNCITRAL Arbitration Rules, and in which it is a respondent;

(c) Article 2(2) shall not apply in investor-State arbitration in which it is a respondent.

2. In the event of a revision of the UNCITRAL Rules on Transparency, a Party may, within six months of the adoption of such revision, declare that it shall not apply that revised version of the Rules.

3. Parties may make multiple reservations in a single instrument. In such an instrument, each declaration made:

(a) In respect of a specific investment treaty under paragraph (1)(a);

(b) In respect of a specific set of arbitration rules or procedures under paragraph (1)(b);

(c) Under paragraph (1)(c); or

(d) Under paragraph (2);

shall constitute a separate reservation capable of separate withdrawal under article 4(6).

4. No reservations are permitted except those expressly authorized in this article.

Formulation of reservations

Article 4

1. Reservations may be made by a Party at any time, save for a reservation under article 3(2).

2. Reservations made at the time of signature shall be subject to confirmation upon ratification, acceptance or approval. Such reservations shall take effect simultaneously with the entry into force of this Convention in respect of the Party concerned.

3. Reservations made at the time of ratification, acceptance or approval of this Convention or accession thereto shall take effect simultaneously with the entry into force of this Convention in respect of the Party concerned.

4. Except for a reservation made by a Party under article 3(2), which shall take effect immediately upon deposit, a reservation deposited after the entry into force of the Convention for that Party shall take effect twelve months after the date of its deposit.

5. Reservations and their confirmations shall be deposited with the depositary.

6. Any Party that makes a reservation under this Convention may withdraw it at any time. Such withdrawals are to be deposited with the depositary, and shall take effect upon deposit.

Application to investor-State arbitrations

Article 5

This Convention and any reservation, or withdrawal of a reservation, shall apply only to investor-State arbitrations that are commenced after the date when the Convention, reservation, or withdrawal of a reservation, enters into force or takes effect in respect of each Party concerned.

Depositary

Article 6

The Secretary-General of the United Nations is hereby designated as the depositary of this Convention.

Signature, ratification, acceptance, approval, accession

Article 7

1. This Convention is open for signature in Port Louis, Mauritius, on 17 March 2015, and thereafter at the United Nations Headquarters in New York by any (a) State; or (b) regional economic integration organization that is constituted by States and is a contracting party to an investment treaty.

2. This Convention is subject to ratification, acceptance or approval by the signatories to this Convention.

3. This Convention is open for accession by all States or regional economic integration organizations referred to in paragraph 1 which are not signatories as from the date it is open for signature.

4. Instruments of ratification, acceptance, approval or accession are to be deposited with the depositary.

Participation by regional economic integration organizations

Article 8

1. When depositing an instrument of ratification, acceptance, approval or accession, a regional economic integration organization shall inform the depositary of a specific investment treaty to which it is a contracting party, identified by title and name of the contracting parties to that investment treaty.

2. When the number of Parties is relevant in this Convention, a regional economic integration organization does not count as a Party in addition to its member States which are Parties.

Entry into force

Article 9

1. This Convention shall enter into force six months after the date of deposit of the third instrument of ratification, acceptance, approval or accession.

2. When a State or a regional economic integration organization ratifies, accepts, approves or accedes to this Convention after the deposit of the third instrument of ratification, acceptance, approval or accession, this Convention enters into force in respect of that State or regional economic integration organization six months after the date of the deposit of its instrument of ratification, acceptance, approval or accession.

Amendment

Article 10

1. Any Party may propose an amendment to the present Convention by submitting it to the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to the Parties to this Convention with a request that they indicate whether they favour a conference of Parties for the purpose of considering and voting upon the proposal. In the event that within four months from the date of such communication at least one third of the Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations.

2. The conference of Parties shall make every effort to achieve consensus on each amendment. If all efforts at consensus are exhausted and no consensus is reached, the amendment shall, as a last resort, require for its adoption a two-thirds majority vote of the Parties present and voting at the conference.

3. An adopted amendment shall be submitted by the Secretary-General of the United Nations to all the Parties for ratification, acceptance or approval.

4. An adopted amendment enters into force six months after the date of deposit of the third instrument of ratification, acceptance or approval. When an amendment enters into force, it shall be binding on those Parties which have expressed consent to be bound by it.

5. When a State or a regional economic integration organization ratifies, accepts or approves an amendment that has already entered into force, the amendment enters into force in respect of that State or that regional economic integration organization six months after the date of the deposit of its instrument of ratification, acceptance or approval.

6. Any State or regional economic integration organization which becomes a Party to the Convention after the entry into force of the amendment shall be considered as a Party to the Convention as amended.

Denunciation of this Convention

Article 11

1. A Party may denounce this Convention at any time by means of a formal notification addressed to the depositary. The denunciation shall take effect twelve months after the notification is received by the depositary.

2. This Convention shall continue to apply to investor-State arbitrations commenced before the denunciation takes effect.

DONE in a single original, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic.

IN WITNESS WHEREOF, the undersigned plenipotentiaries, being duly authorized by their respective Governments, have signed the present Convention.

United Nations A/C.6/69/L.7

General Assembly

Distr.: Limited
27 October 2014

Original: English

Sixty-ninth session
Sixth Committee
Agenda item 77
United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law

Draft resolution

United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law

The General Assembly,

Recalling its resolution 2099 (XX) of 20 December 1965, in which the General Assembly established the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law to contribute towards a better knowledge of international law as a means of strengthening international peace and security and promoting friendly relations and cooperation among States,

Reaffirming that the Programme of Assistance is a core activity of the United Nations and that it has provided the foundation for the efforts of the United Nations to promote a better knowledge of international law for nearly half a century,

Recognizing the major contribution of the Programme of Assistance to the teaching and dissemination of international law for the benefit of lawyers in all countries, legal systems and regions of the world for almost half a century,

Emphasizing the important contribution of the Programme of Assistance, in particular the United Nations Regional Courses in International Law and the United Nations Audiovisual Library of International Law, to the furtherance of United Nations rule of law programmes and activities,

Reaffirming that the increasing demand for international law training and dissemination activities creates new challenges for the Programme of Assistance,

Recognizing the importance of the Programme of Assistance effectively reaching its beneficiaries, including with regard to languages, while bearing in mind limitations on available resources,

Please recycle

Taking note with appreciation of the report of the Secretary-General on the implementation of the Programme of Assistance[1] and the views of the Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, which are contained in the report,[2]

Noting with concern that the activities of the Programme of Assistance, in particular the organization of the United Nations Regional Courses in International Law on a regular basis and the further development of the United Nations Audiovisual Library of International Law, cannot be sustained with the resources available under the current programme budget, notwithstanding its resolutions 64/113 of 16 December 2009, 65/25 of 6 December 2010, 66/97 of 9 December 2011, 67/91 of 14 December 2012 and 68/110 of 16 December 2013,

Noting with regret that the United Nations Regional Courses in International Law for Asia-Pacific and for Latin America and the Caribbean for 2014 were cancelled owing to insufficient funds and that no United Nations Regional Course in International Law for Latin America and the Caribbean has been held in the past decade,

Considering that international law should occupy an appropriate place in the teaching of legal disciplines at all universities,

Convinced that States, international and regional organizations, universities and institutions should be encouraged to give further support to the Programme of Assistance and to increase their activities to promote the teaching, study, dissemination and wider appreciation of international law, in particular those activities which are of special benefit to persons from developing countries,

Reaffirming that in the conduct of the Programme of Assistance it would be desirable to use as far as possible the resources and facilities made available by Member States, international and regional organizations, universities, institutions and others,

Reaffirming also the hope that, in appointing highly qualified lecturers for the seminars to be held within the framework of the fellowship programmes in international law, account would be taken of the need to secure the representation of major legal systems and balance among various geographical regions,

1. *Reiterates its approval* of the guidelines and recommendations contained in section III of the report of the Secretary-General to the General Assembly at its sixty-eighth session,[3] in particular those designed to strengthen and revitalize the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law in response to the increasing demand for international law training and dissemination activities;

2. *Authorizes* the Secretary-General to carry out the activities specified in his reports[4] in 2015;

---

[1] A/69/516, sect. II.

[2] A/69/516/Add.1, paras. 7-12.

[3] A/68/521.

[4] A/68/521 and A/69/516.

3. *Also authorizes* the Secretary-General to award a minimum of one scholarship in 2015 under the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea;

4. *Further authorizes* the Secretary-General to continue and further develop the United Nations Audiovisual Library of International Law as a major contribution to the teaching and dissemination of international law around the world and to continue to finance this activity from provisions in the regular budget as well as, when necessary, from voluntary financial contributions, which would be received as a result of the requests set out in paragraphs 22 and 23 below;

5. *Expresses its appreciation* to the Secretary-General for the activities conducted under the Programme of Assistance and, in particular, for the efforts to strengthen, expand and enhance the international law training and dissemination activities within the framework of the Programme of Assistance in 2014;

6. *Notes with serious concern* that the provisions of paragraph 7 of resolutions 66/97, 67/91 and 68/110 have not been implemented, and therefore decides to revisit the matter of funding for the Programme of Assistance under the programme budget for the biennium 2014-2015, in particular the United Nations Regional Courses in International Law and the United Nations Audiovisual Library of International Law for the year 2015;

7. *Requests* the Secretary-General to include additional resources under the proposed programme budget for the biennium 2016-2017 for the organization of the Regional Courses in International Law for Africa, for Asia-Pacific and for Latin America and the Caribbean each year, and for the continuation and further development of the United Nations Audiovisual Library of International Law;

8. *Also requests* the Secretary-General to include in the regular budget, for consideration by the General Assembly, the necessary funding for the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea with effect from the biennium 2016-2017, should voluntary contributions be insufficient for granting at least one fellowship a year;

9. *Further requests* the Secretary-General to consider admitting, for participation in the various components of the Programme of Assistance, candidates from countries willing to bear the entire cost of their participation;

10. *Recognizes* the importance of the United Nations legal publications prepared by the Office of Legal Affairs of the Secretariat, and once again requests the Secretary-General to issue the publications referred to in his previous report[5] in various formats, including hard copy publications, which are essential for developing countries;

11. *Reiterates its request* that the Secretary-General issue the next volume of the *United Nations Legislative Series* containing materials on the responsibility of States for internationally wrongful acts;

12. *Appreciates* the efforts that were undertaken by the Office of Legal Affairs to bring up to date the United Nations legal publications, in particular by the Codification Division of the Office of Legal Affairs for its desktop publishing initiative from 2003 to 2013, which greatly enhanced the timely issuance of its legal

[5] A/68/521, paras. 41 and 42.

publications and made possible the preparation of legal training materials, regrets that none of the publications referred to in the previous report of the Secretary-General[5] was issued in 2014, when desktop publishing was discontinued owing to lack of resources, and recommends that the necessary resources be made available to resume this successful initiative;

13. *Requests* the Office of Legal Affairs to continue to maintain and expand its websites listed in the annex to the report of the Secretary-General[6] as an invaluable tool for the dissemination of international law materials as well as for advanced legal research;

14. *Requests* that interns and research assistants be enlisted for the preparation of materials for the United Nations Audiovisual Library of International Law;

15. *Commends* the Codification Division for the cost-saving measures undertaken with regard to the International Law Fellowship Programme to maintain the number of fellowships available for this comprehensive international law training programme;

16. *Expresses its appreciation* to the Hague Academy of International Law for the valuable contribution it continues to make to the Programme of Assistance, which has enabled candidates under the International Law Fellowship Programme to attend and participate in the Fellowship Programme in conjunction with courses at the Academy;

17. *Notes with appreciation* the contributions of the Hague Academy to the teaching, study, dissemination and wider appreciation of international law, and calls upon Member States and interested organizations to give favourable consideration to the appeal of the Academy for a continuation of support and a possible increase in their financial contributions, to enable the Academy to carry out its activities, particularly those relating to the summer courses, regional courses and programmes of the Centre for Studies and Research in International Law and International Relations;

18. *Welcomes* the efforts of the Codification Division to revitalize and conduct United Nations Regional Courses in International Law as an important training activity;

19. *Expresses its appreciation* to Ethiopia for hosting and to Thailand and Uruguay for agreeing to host the United Nations Regional Courses in International Law in 2014, and to Ethiopia, Thailand and Uruguay for agreeing to host the United Nations Regional Courses in International Law for Africa, for Asia-Pacific and, for the first time in over a decade, for Latin America and the Caribbean in 2015, and also expresses its appreciation to Costa Rica for its willingness to host this Regional Course in the future;

20. *Expresses its appreciation* to the African Union for the valuable contribution it continues to make to the United Nations Regional Course in International Law for Africa, which has enabled participants to attend and participate in the Regional Course and the lectures at the African Union;

[6] A/69/516.

21. *Once again encourages* the Codification Division to cooperate with the African Institute of International Law, dedicated to offering higher learning and research in international law needed for the development of Africa, in the implementation of the relevant activities under the Programme of Assistance;

22. *Requests* the Secretary-General to continue to publicize the Programme of Assistance and periodically to invite Member States, universities, philanthropic foundations and other interested national and international institutions and organizations, as well as individuals, to make voluntary contributions towards the financing of the Programme or otherwise to assist in its implementation and possible expansion;

23. *Reiterates its request* to Member States and interested organizations, institutions and individuals to make voluntary contributions, inter alia, for the International Law Fellowship Programme and the United Nations Audiovisual Library of International Law;

24. *Urges*, in particular, all Member States and interested organizations, institutions and individuals to make voluntary contributions for the United Nations Regional Courses in International Law organized by the Codification Division as an important complement to the International Law Fellowship Programme, thus alleviating the burden on prospective host countries and making it possible to conduct the Regional Courses on a regular basis;

25. *Expresses its appreciation* to those Member States that have made voluntary contributions to support the Programme of Assistance;

26. *Requests* the Secretary-General to report to the General Assembly at its seventieth session on the implementation of the Programme of Assistance in 2015 and, following consultations with the Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, to submit recommendations regarding the Programme in subsequent years;

27. *Concludes once again* that voluntary contributions have not proven to be a sustainable method for funding the activities under the Programme of Assistance, in particular the United Nations Regional Courses in International Law and the United Nations Audiovisual Library of International Law, and that, consequently, there is a need to provide more reliable funding for all its activities, taking into account the conclusion of the Advisory Committee at its forty-ninth session;[7]

28. *Decides* to include in the provisional agenda of its seventieth session the item entitled "United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law".

---

[7] A/69/516/Add.1, para. 7.